
By: **Delegates Niemann, Gutierrez, Holmes, Kelley, Parker, Ramirez, Sossi,
Vallario, and Vaughn**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Refused, Suspended, Canceled, or**
3 **Revoked - ~~Penalty~~ Penalties**

4 FOR the purpose of ~~altering certain provisions relating to driving a motor vehicle~~
5 ~~while a license or privilege to drive issued by this State or any other state is~~
6 ~~refused, suspended, canceled, or revoked; establishing that a certain offense is~~
7 ~~not a moving violation for purposes of assessing certain points; providing that in~~
8 ~~a certain prosecution certain records shall be prima facie evidence of certain~~
9 ~~facts; providing that the introduction of certain records does not preclude the~~
10 ~~introduction of certain other evidence;~~ altering certain penalties for certain
11 offenses relating to driving a motor vehicle while a license or privilege to drive
12 issued by this State or any other state has been refused, suspended, canceled, or
13 revoked; making certain technical corrections; providing for the effective date of
14 certain provisions of this Act; providing for the termination of certain provisions
15 of this Act; and generally relating to driving while a license or privilege to drive
16 has been refused, suspended, canceled, or revoked.

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 16-303 and 16-402(a)(11)
20 Annotated Code of Maryland
21 (2002 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section ~~16-303~~, 16-404(c)(2), 16-404.1(b)(3) ~~and (4)~~, and 27-101(c) and (h)

1 Annotated Code of Maryland
2 (2002 Replacement Volume)

3 **BY** repealing

4 Article - Transportation
5 Section ~~16-402(a)(11) and (30)~~ 16-402(a)(30)
6 Annotated Code of Maryland
7 (2002 Replacement Volume)

8 **BY** renumbering

9 Article - Transportation
10 Section 16-402(a)(24) through (29), respectively
11 to be Section 16-402(a)(25) through (30), respectively
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 **BY** repealing and reenacting, with amendments,

15 Article - Transportation
16 Section 27-101(h)
17 Annotated Code of Maryland
18 (2002 Replacement Volume)
19 (As enacted by Chapter 505 of the Acts of the General Assembly of 2000)

20 **BY** adding to

21 Article - Transportation
22 Section 27-101(w) and 16-402(a)(24)
23 Annotated Code of Maryland
24 (2002 Replacement Volume)

25 **BY** renumbering

26 ~~Article - Transportation~~
27 ~~Section 16-402(a)(12) through (29) and (31) through (37), respectively~~
28 ~~to be Section 16-402(a)(11) through (28) and (29) through (35), respectively~~
29 ~~Annotated Code of Maryland~~
30 ~~(2002 Replacement Volume)~~

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32 MARYLAND, That Section(s) 16-402(a)(24) through (29), respectively, of Article -
33 Transportation of the Annotated Code of Maryland be renumbered to be Section(s)
34 16-402(a)(25) through (30), respectively.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
36 read as follows:

1 **Article - Transportation**

2 16-303.

3 (a) A person may not drive a motor vehicle on any highway or on any property
4 specified in § 21-101.1 of this article while the person's license or privilege to drive is
5 refused ~~in this State or any other state, SUSPENDED, CANCELED, OR REVOKED IN~~
6 ~~THIS STATE.~~

7 (b) ~~{~~A person may not drive a motor vehicle on any highway or on any
8 property specified in § 21-101.1 of this article while the person's license or privilege to
9 drive is canceled in this State.

10 (c) A person may not drive a motor vehicle on any highway or on any property
11 specified in § 21-101.1 of this article while the person's license or privilege to drive is
12 suspended in this State.

13 (d) A person may not drive a motor vehicle on any highway or on any property
14 specified in § 21-101.1 of this article while the person's license or privilege to drive is
15 revoked in this State.

16 (e)~~}~~ A person may not drive a motor vehicle on any highway or on any property
17 specified in § 21-101.1 of this article while the person's license issued by any other
18 state is ~~REFUSED, SUSPENDED,~~ canceled, ~~OR REVOKED.~~

19 (f) A person may not drive a motor vehicle on any highway or on any property
20 specified in § 21-101.1 of this article while the person's license issued by any other
21 state is suspended.

22 (g) A person may not drive a motor vehicle on any highway or on any property
23 specified in § 21-101.1 of this article while the person's license issued by any other
24 state is revoked.

25 (h) A person may not drive a motor vehicle on any highway or on any property
26 specified in § 21-101.1 of this article while the person's license or privilege to drive is
27 suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

28 (i) (1) This subsection applies only to a person whose license or privilege to
29 drive is suspended under the traffic laws or regulations of another state for:

30 (i) Failure to comply with a notice to appear in a court of that state
31 contained in a traffic citation issued to the person; or

32 (ii) Failure to pay a fine for a violation of any traffic laws or
33 regulations of that state.

34 (2) A person may not drive a motor vehicle on any highway or on any
35 property specified in § 21-101.1 of this article while the person's license or privilege to
36 drive is suspended under the traffic laws or regulations of any other state as
37 described in paragraph (1) of this subsection.

1 (j) (1) Except as provided in paragraph (2) of this subsection, any individual
 2 who violates a provision of this section shall be assessed the points as provided for in
 3 § 16-402(a)(30) of this title.

4 (2) Any individual who violates a provision of subsection (h) or
 5 subsection (i) of this section shall be assessed the points as provided for in § 16-402(a)
 6 (11) of this title.}

7 ~~(C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR
 8 PURPOSES OF ASSESSING POINTS UNDER § 16-402 OF THIS TITLE.~~

9 ~~(D) (1) IN ANY PROSECUTION UNDER THIS SECTION THE INTRODUCTION OF
 10 THE OFFICIAL RECORDS OF THE ADMINISTRATION AS PROVIDED IN § 12-113 OF THIS
 11 ARTICLE SHOWING A NOTATION IN THE RECORDS THAT NOTICE OF THE REFUSAL,
 12 SUSPENSION, CANCELLATION, OR REVOCATION OF A DEFENDANT'S LICENSE OR
 13 PRIVILEGE TO DRIVE WAS SENT TO THE LAST KNOWN ADDRESS OF THE DEFENDANT
 14 SHALL BE PRIMA FACIE EVIDENCE THAT THE DEFENDANT KNOWS OR HAS REASON
 15 TO KNOW THAT THE LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
 16 SUSPENDED, CANCELED, OR REVOKED IN THIS STATE OR ANY OTHER STATE.~~

17 ~~(2) THE INTRODUCTION OF EVIDENCE OF THE RECORDS OF THE
 18 ADMINISTRATION MAY NOT LIMIT THE INTRODUCTION OF OTHER EVIDENCE
 19 BEARING UPON WHETHER THE DEFENDANT KNOWS OR HAS REASON TO KNOW THAT
 20 THE DEFENDANT'S LICENSE OR PRIVILEGE TO DRIVE HAS BEEN REFUSED,
 21 SUSPENDED, CANCELED, OR REVOKED.~~

22 16-402.

23 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 24 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
 25 this State or of any local authority, points shall be assessed against the individual as
 26 of the date of violation and as follows:

27 { (11) Driving after suspension of license under the provisions of § 17-106,
 28 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
 29 of another state as described in § 16-303(i) of this title 3 points }

30 (24) DRIVING AFTER REFUSAL, SUSPENSION, CANCELLATION, OR
 31 REVOCATION OF LICENSE EXCEPT FOR SUSPENSIONS OF LICENSE UNDER THE
 32 PROVISIONS OF § 17-106, § 26-204, § 26-206, OR § 27-103 OF THIS ARTICLE, OR THE
 33 TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE AS DESCRIBED IN § 16-303(I) OF
 34 THIS TITLE 6 POINTS

35 [(30) Driving after refusal, suspension, cancellation, or revocation of
 36 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
 37 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
 38 state as described in § 16-303(i) of this title 12 points]

1 16-404.

2 (c) (2) Subject to the provisions of paragraph (3) of this subsection, the
3 following suspension periods may apply to a suspension for an accumulation of points
4 under [§ 16-402(a)(24)] ~~§ 16-402(A)(23)~~ § 16-402(A)(25) of this subtitle for a violation of
5 § 21-902(b) or (c) of this article or a suspension imposed under § 16-404.1(b)(4)(iii) of
6 this subtitle:

7 (i) For a first conviction, not more than 6 months;

8 (ii) For a second conviction at least 5 years after the date of the
9 first conviction, not more than 9 months;

10 (iii) For a second conviction less than 5 years after the date of the
11 first conviction or for a third conviction, not more than 12 months; and

12 (iv) For a fourth or subsequent conviction, not more than 24
13 months.

14 16-404.1.

15 (b) (3) An individual may be a participant if:

16 (i) The individual's license is suspended or revoked for a violation
17 of § 21-902(a), (b), or (c) of this article or an accumulation of points under [§
18 16-402(a)(24) or (33)] ~~§ 16-402(A)(23) OR (31)~~ § 16-402(A)(25) OR (33) of this subtitle;

19 (ii) The individual is ordered to participate in the Program by a
20 court under § 27-107 of this article;

21 (iii) The individual's license has an alcohol restriction imposed
22 under § 16-113(b) or (g) of this title; or

23 (iv) The Administration modifies a suspension or issues a restricted
24 license to the individual under § 16-205.1(n)(2) or (4) of this title.

25 ~~(4) The Administration may:~~

26 ~~(i) Issue a restrictive license to an individual who is a participant~~
27 ~~in the Program during the suspension period as provided under § 16-404(c)(3) of this~~
28 ~~subtitle;~~

29 ~~(ii) Reinstate the driver's license of a participant whose license has~~
30 ~~been revoked for a violation of § 21-902(a), (b), or (c) of this article or revoked for an~~
31 ~~accumulation of points under [§ 16-402(a)(33)] § 16-402(A)(31) of this subtitle for a~~
32 ~~violation of § 21-902(a) of this article; and~~

33 ~~(iii) Notwithstanding any other provision of law, impose on a~~
34 ~~participant a period of suspension in accordance with § 16-404(c)(2) and (3) of this~~
35 ~~subtitle in lieu of a license revocation for:~~

- 1 1. A violation of § 21-902(a), (b), or (c) of this article; or
- 2 2. An accumulation of points under [~~§ 16-402(a)(33)~~] §
- 3 ~~16-402(A)(31)~~ of this subtitle for a violation of § 21-902(a) of this article.
- 4 27-101.
- 5 (c) Any person who is convicted of a violation of any of the provisions of the
- 6 following sections of this article is subject to a fine of not more than \$500 or
- 7 imprisonment for not more than 2 months or both:
- 8 (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and
- 9 misrepresentation prohibited");
- 10 (2) § 14-102 ("Taking or driving vehicle without consent of owner");
- 11 (3) § 14-104 ("Damaging or tampering with vehicle");
- 12 (4) § 14-107 ("Removed, falsified, or unauthorized identification number
- 13 or registration card or plate");
- 14 (5) § 14-110 ("Altered or forged documents and plates");
- 15 (6) § 15-312 ("Dealers: Prohibited acts - Vehicle sales transactions");
- 16 (7) § 15-313 ("Dealers: Prohibited acts - Advertising practices");
- 17 (8) § 15-314 ("Dealers: Prohibited acts - Violation of licensing laws");
- 18 (9) § 15-411 ("Vehicle salesmen: Prohibited acts");
- 19 (10) § 15-502(c) ("Storage of certain vehicles by unlicensed persons
- 20 prohibited");
- 21 (11) § 16-113(j) ("Violation of alcohol restriction ordered by a court");
- 22 (12) § 16-301 ("Unlawful application for or use of license");
- 23 (13) [§ 16-303(h) ("Licenses suspended under certain provisions of
- 24 Code");
- 25 (14) § 16-303(i) ("Licenses suspended under certain provisions of the
- 26 traffic laws or regulations of another state");
- 27 (15)] § 18-106 ("Unauthorized use of rented motor vehicle");
- 28 [(16)] (14) § 20-103 ("Driver to remain at scene - Accidents resulting only
- 29 in damage to attended vehicle or property");
- 30 [(17)] (15) § 20-104 ("Duty to give information and render aid");

1 [(18)] (16) § 20-105 ("Duty on striking unattended vehicle or other
2 property");

3 [(19)] (17) § 20-108 ("False reports prohibited");

4 [(20)] (18) § 21-206 ("Interference with traffic control devices or railroad
5 signs and signals");

6 [(21)] (19) As to a pedestrian in a marked crosswalk, § 21-502(a)
7 ("Pedestrians' right-of-way in crosswalks: In general");

8 [(22)] (20) As to another vehicle stopped at a marked crosswalk, §
9 21-502(c) ("Passing of vehicle stopped for pedestrian prohibited");

10 [(23)] (21) Except as provided in subsections (f) and (q) of this section, §
11 21-902(b) ("Driving while impaired by alcohol");

12 [(24)] (22) Except as provided in subsections (f) and (q) of this section, §
13 21-902(c) ("Driving while impaired by drugs or drugs and alcohol");

14 [(25)] (23) Except as provided in subsections (f) and (q) of this section, §
15 21-902(d) ("Driving while impaired by controlled dangerous substance"); or

16 [(26)] (24) § 27-107(d), (e), (f), or (g) ("Prohibited acts - Ignition interlock
17 systems").

18 (W) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 16-303 OF THIS
19 ARTICLE IS SUBJECT TO:

20 (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$500 OR
21 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH;

22 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR
23 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH; AND

24 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN
25 \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

26 SECTION ~~2~~ 3 AND BE IT FURTHER ENACTED, That the Laws of
27 Maryland read as follows:

28 **Article - Transportation**

29 27-101.

30 (h) Any person who is convicted of a violation of any of the provisions of [§
31 16-303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled,
32 suspended, refused, or revoked"), § 17-107 of this article ("Prohibitions"),] or §
33 17-110 of this article ("Providing false evidence of required security") is subject to:

1 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
2 for not more than 1 year, or both; and

3 (2) For any subsequent offense, a fine of not more than \$1,000, or
4 imprisonment for not more than 2 years, or both.

5 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the Laws of
6 Maryland read as follows:

7 **Article - Transportation**

8 27-101.

9 (h) Any person who is convicted of a violation of any of the provisions of §
10 15-502(a) of this article ("License required"), [§ 16-303(a), (b), (c), (d), (e), (f), or (g) of
11 this article ("Driving while license is canceled, suspended, refused, or revoked"),] §
12 17-107 of this article ("Prohibitions"), or § 17-110 of this article ("Providing false
13 evidence of required security") is subject to:

14 (1) For a first offense, a fine of not more than \$1,000, or imprisonment
15 for not more than 1 year, or both; and

16 (2) For any subsequent offense, a fine of not more than \$1,000, or
17 imprisonment for not more than 2 years, or both.

18 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 16-402(a)(12)~~
19 ~~through (29) and (31) through (37), respectively, of Article - Transportation of the~~
20 ~~Annotated Code of Maryland be renumbered to be Section(s) 16-402(a)(11) through~~
21 ~~(28) and (29) through (35), respectively.~~

22 SECTION 5. AND BE IT FURTHER ENACTED, That Section ~~3~~ 4 of this Act
23 shall take effect on the taking effect of the termination provision specified in Section
24 2 of Chapter 505 of the Acts of the General Assembly of 2000. If that termination
25 provision takes effect, Section ~~2~~ 3 of this Act shall be abrogated and of no further force
26 and effect. This Act may not be interpreted to have any effect on that termination
27 provision.

28 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
29 of Section 5 of this Act, this Act shall take effect October 1, 2003.